

Message Text

SECRET

PAGE 01 MOSCOW 02953 261442Z

41

ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 CIAE-00 DODE-00 INRE-00

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FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC IMMEDIATE 478

S E C R E T MOSCOW 2953

EXDIS

E.O. 11652: XGDS-3

TAGS: PARM, US, UR

SUBJECT: TTBT/PNE NEGOTIATIONS: PROTOCOL ARTICLE XII PARA 3

TTBT/PNE DELEGATION MESSAGE NO. 90

REF: STATE 44608

1. IF GUIDANCE REFTEL PARA 3 IS IMPLEMENTED, ARTICLE XII
PARA 3 WOULD THEN READ AS FOLLOWS:

BEGIN TEXT.

3. IN CASE A STATE OTHER THAN EITHER OF THE PARTIES
REQUESTS THAT AN EXPLOSION BE CARRIED OUT IN ITS TERRITORY,
THE EXPLOSION SHALL NOT BE CARRIED OUT UNLESS SUCH STATE
ALSO AGREES TO PROVIDE TO DESIGNATED PERSONNEL THE RIGHTS,
PRIVILEGES AND IMMUNITIES DESCRIBED IN PARAGRAPHS 1 AND 2
OF THIS ARTICLE OTHERWISE PROVIDED TO DESIGNATED PERSONNEL
BY THE PARTY CARRYING OUT THE EXPLOSION.

END TEXT.

2. PLEASE NOTE THAT ABOVE TEXT WOULD READ EXACTLY AS
STATED IN STATE 41799 PARA 2 AND WOULD INCLUDE WORD
"ALSO". ENTIRE EPISODE OVER THIS PARA BEGAN WITH US SIDE
SEEKING AGREEMENT TO ADD WORD "ALSO" IN ORDER TO CONFORM

SECRET

SECRET

PAGE 02 MOSCOW 02953 261442Z

TO JAN 23 TEXT (REF STATE 21992 PARA 1). SOVIET SIDE DID

NOT WANT "ALSO" TO BE INCLUDED BUT AGREED TO DO SO IF LANGUAGE ADDED TO MAKE CLEAR WHAT MEANT BY "ALSO", I.E., TO WHAT IS PARA 3 REQUIREMENT ADDED (REF MOSCOW 2201 PARA 5(B), MOSCOW 2235 AND MOSCOW 2268 PARA 30). RESULT WAS, AMONG OTHER THINGS, INSERTION OF "IN ADDITION TO THE IMPLEMENTATION OF THE PROVISIONS OF PARAGRAPH 2 OF ARTICLE VII OF THE TREATY." THUS, FIRST (AND WE THEREFORE ASSUME PREFERRED) ALTERNATIVE HAS ALREADY BEEN TRIED BY US, AND FOUND WANTING BY LAPTEV. HE ARGUED THAT ALTHOUGH NEITHER US SIDE NOR TIMERBAEV SAW MERIT IN INCLUDING POINT AT ISSUE IN TREATY, HE (LAPTEV) WAS CERTAIN THAT ALL WOULD FINALLY AGREE THAT ADDING TO TREATY ARTICLE VII WAS CORRECT SOLUTION. THIS REINFORCES OUR VIEW THAT LAWYER-TO-LAWYER DISCUSSION MOST EXPEDITIOUS WAY TO FINISH UP REMAINING DIFFERENCES IN LEGAL ARTICLES.

3. DOES INCLUSION OF WORD "ALSO" ALSO RAISE PROBLEM DESCRIBED REFTEL PARA 3?

4. PLEASE ADVISE.
STOESSEL

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NNN

Message Attributes

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